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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

HIKMAT HAMED, :
a/k/a "Abu Amjad,"
MOHAMMAD ABDELELAH AL BARBARAWI, :
a/k/a "Abu Yazan,"
NEHAD THAHER,
a/k/a "Nick,"
SHADI SHUAIBI, :
HATEM K. EL HAJ,
a/k/a "Tug Tug," and :
MAYTHEM AL ABOUDI,
:
Defendants.
:
- - - - - - - - - - - - - - - - - - -x

SEALED
INDICTMENT

17 Cr.

CRIM 302

COUNT ONE

The Grand Jury charges:

1. From at least in or about October 2016, up to and including in or about May 2017, in the Southern District of New York and elsewhere, HIKMAT HAMED, a/k/a "Abu Amjad," MOHAMMAD ABDELELAH AL BARBARAWI, a/k/a "Abu Yazan," NEHAD THAHER, a/k/a "Nick," SHADI SHUAIBI, HATEM K. EL HAJ, a/k/a "Tug Tug," and MAYTHEM AL ABOUDI, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that HIKMAT HAMED, a/k/a "Abu Amjad," MOHAMMAD ABDELELAH AL BARBARAWI, a/k/a "Abu Yazan," NEHAD THAHER, a/k/a "Nick," SHADI SHUAIBI, HATEM K. EL HAJ, a/k/a "Tug Tug," and MAYTHEM AL ABOUDI, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance analogue, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances involved in the offense were (1) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate ("5F-MDMB-PINACA"), a controlled substance analogue, as defined in 21 U.S.C. § 802(32), of N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide ("ADB-PINACA"), that was intended for human consumption and is treated as a controlled substance in Schedule I of the Controlled Substances Act; and (2) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate ("FUB-AMB"), a controlled substance analogue, as defined in 21 U.S.C. § 802(32), of N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide ("AB-FUBINACA"), that was intended for human consumption and is treated as a controlled substance in Schedule I of the Controlled Substances Act, in violation of 21 U.S.C. §§ 813 and 841(b)(1)(C).

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. From at least in or about October 2016, up to and including in or about May 2017, in the Southern District of New York and elsewhere, HIKMAT HAMED, a/k/a "Abu Amjad," MOHAMMAD ABDELELAH AL BARBARAWI, a/k/a "Abu Yazan," NEHAD THAHER, a/k/a "Nick," SHADI SHUAIBI, HATEM K. EL HAJ, a/k/a "Tug Tug," and MAYTHEM AL ABOUDI, the defendants, and others known and unknown, did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, a violation of Title 21, United States Code, Sections 331(a) and 333(a)(2).

5. It was a part and an object of the conspiracy that HIKMAT HAMED, a/k/a "Abu Amjad," MOHAMMAD ABDELELAH AL BARBARAWI, a/k/a "Abu Yazan," NEHAD THAHER, a/k/a "Nick," SHADI SHUAIBI, HATEM K. EL HAJ, a/k/a "Tug Tug," and MAYTHEM AL ABOUDI, the defendants, and others known and unknown, would, with the intent to defraud and mislead, cause the introduction and delivery for introduction into interstate commerce of drugs that are misbranded, in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2).

OVERT ACTS

6. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or around October 2016, HIKMAT HAMED, a/k/a "Abu Amjad," the defendant, caused leaves treated with 5F-MDMB-PINACA in packets with inaccurate descriptions of the contents and misleadingly labeled as "Potpourri Product" and "NOT FOR HUMAN CONSUMPTION," to be shipped from Kentucky to New York, New York.

b. On or about April 6, 2017, SHADI SHUAIBI, the defendant, and a co-conspirator not named herein ("CC-1") attempted to transport, from Kentucky to Illinois, leaves treated with 5F-MDMB-PINACA in packets with inaccurate descriptions of the contents and misleadingly labeled as "POTPOURRI," "NOT FOR HUMAN CONSUMPTION," and "complies with all federal and state legislation."

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATION

7. As a result of committing the controlled substance offense alleged in Count One of this Indictment, HIKMAT HAMED, a/k/a "Abu Amjad," MOHAMMAD ABDELELAH AL BARBARAWI, a/k/a "Abu Yazan," NEHAD THAHER, a/k/a "Nick," SHADI

SHUAIBI, HATEM K. EL HAJ, a/k/a "Tug Tug," and MAYTHEM AL ABOUDI, the defendants, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the offense, and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the offense alleged in Count One of this Indictment.

SUBSTITUTE ASSET PROVISION

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)

FOREPERSON 5/17/17

JOON H. KIM
Acting United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

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Defendants.

SEALED INDICTMENT

17 Cr.

(Title 21, United States Code, Sections 846 and 331(a); Title 18, United States Code, Section 371.)

JOON H. KIM
Acting United States Attorney.

A TRUE BILL

[signature]
Foreperson.

5-17-17 Filed Indictment Under Seal A/W'S issued
WB
Gorenstein
U.S.M.J.